

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALFRED E. OWENS,

Petitioner,

Case No. 15-cv-12677
Hon. Matthew F. Leitman

v.

SHERMAN CAMPBELL,

Respondent.

ORDER FOR LIMITED EVIDENTIARY HEARING

Petitioner, a state prisoner, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent contends that the petition was filed after expiration of the statute of limitations and that review of Petitioner's claims is barred by his state court procedural defaults. Dkt. 4 at 3. Petitioner contends that he is entitled to an evidentiary hearing on the merits of his claims, the timeliness of his petition, equitable tolling, and to establish a "gateway" actual innocence claim to excuse any procedural default. Dkts. 12 and 14.

The Court has determined that Petitioner has made a sufficient showing to warrant an evidentiary hearing on the timeliness of the petition, equitable tolling, and actual innocence to excuse any procedural defaults. The Court is not yet persuaded that Petitioner is entitled to an evidentiary hearing on the merits of his

claims, which were denied by the state courts. *See Cullen v. Pinholster*, 563 U.S. 170, 181 (2011).

Accordingly, **IT IS HEREBY ORDERED** that an evidentiary hearing will be held before this Court on Wednesday, March 20, 2019 at 9:30 a.m. limited to the issues of the timeliness of the petition, equitable tolling, and actual innocence to excuse any procedural defaults.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 13, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 13, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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